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OCT 30 2006
OFFICE OF PETITIONS

In re Application of :
Markus P. Hehlen et al. :
Application No. 10/073,763 : DECISION ON PETITION
Filed: February 11, 2002 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket No. 56 :
Title: INTEGRATED OPTICAL :
ISOLATOR ARRAY :

This is a decision on the petition filed on September 12, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed November 22, 2004, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees². Accordingly, the above-identified application became abandoned on February 23, 2005. A Notice of Abandonment was mailed on March 2, 2006.

¹ A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² See MPEP §710.02(e).

A petition pursuant to 37 C.F.R. §1.181 was filed on May 11, 2006, and was dismissed via the mailing of a decision on July 31, 2006.

With the present petition, Petitioner has submitted the petition fee, a Request for Continued Examination (RCE), an amendment, the associated fee, and the proper statement of unintentional delay. A terminal disclaimer is not required.

As such, the petition is **GRANTED**.

The application file will be forwarded to the Technology Center. The Technology Center's support staff will notify the Examiner of this decision, so that the RCE and the accompanying amendment, both received with the present petition, can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).